

MPLS tunnel/path. However, that assumption is incorrect. As stated in Goyal at col. 5, line 66-col. 6, line 6:

The embodiments of the invention aggregate separate flows to a tunnel in MPLS by using a label stack. A label is pushed on the stack at the entry of the tunnel, and popped off on exit. As the tunnel end may in effect be a multiplexing point (i.e., a virtual termination of many tunnels) **the tunnel label must be assigned by the tunnel termination node (downstream allocation), to ensure that the enclosed labels further down on the stack are uniquely resolved. (emphasis added)**

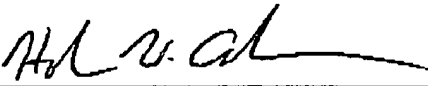
The attention of the Office is directed particularly to the statement in Goyal that “the tunnel label must be assigned by the tunnel termination node,” because the presently claimed invention is upstream allocation for establishing a label switched path. In other words, Goyal explicitly teaches against the presently claimed technique. Hence, claim 1 distinguishes Goyal by reciting “establishing a Multi Protocol Label Switching (“MPLS”) label switched path by a first label switching device to a second, downstream label switching device ... generating a labeled packet including the new label ... and forwarding the labeled packet to the second, downstream label switching device.” Claims 9, 24, 30, 37, 44, and 47 include similar distinguishing language. The dependent claims are allowable for further distinguishing Goyal, and also for being dependent upon allowable independent claims. Consequently, the Office is requested to withdraw the rejections of claims 1, 3-24 and 26-49.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Holmes W. Anderson, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date


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